



## **Testimony of Matt Marks in Opposition to LD 1691**

### *An Act To Require Licensing for Certain Mechanical Trade*

Joint Standing Committee on Innovation, Development, Economic Advancement and Business

May 12, 2021 9:30 AM

Senator Curry, Representative Roberts, and Distinguished Members of the Joint Standing Committee on Innovation, Development, Economic Advancement, and Business. My name is Matt Marks; I am a resident of Scarborough. I am here today to testify against this bill on behalf of AGC Maine.

The Associated General Contractors (AGC) of Maine, Chartered in 1951, is headquartered in Augusta and has members statewide. Member companies include contractors, service providers, suppliers, and developers. We are a diverse business organization with an open shop of signatory union contractors, employee-owned firms, and disadvantaged business enterprises all under one roof. Overall, Maine has an estimated 4,800 construction firms where 95% are considered small businesses with fewer than 20 people.

Licensing construction trades is a complicated process and should be provided adequate time for input by the regulated community and stakeholders. During the last few sessions, bills proposed appear to be based on the concept that the licensing process in other states better serves the public. While that could be true in some jurisdictions and some cases, in our home state of Maine, we feel firmly any process to license should be inclusive of the regulated community.

Before addressing the individual questions and sharing our reaction to the proposed text, we must express our grave concern for the rapid pace that this bill will be dealt with in the legislative process. Because this bill adds complicated new licensing components, we believe stakeholders should have more time than a short public hearing on the proposal.

As we expressed with the prior licensing bills, we remain concerned with the new licensing process and agency costs. It seems the Committee would find value in the full knowledge of the costs, including essential factors such as the staffing required, building expenses, office equipment, technology, and of course, the projected initial price of each license. Knowing the total costs is vital to the regulated community but also taxpayers. It isn't clear how much time a company would need to adjust to the new regulations or the cost of compliance.

After listening to previous licensing hearings, the threshold for initiating a new license is centered on protecting public safety and health. We are not aware of any current challenges to public health or safety in this division. Has the Committee encountered issues with installations in Maine? Does data exist that might suggest issues with safety, health, or employment concerns related to mechanical construction services?

While each craft has a different length of apprenticeship, the requirements in the proposed licensing program appear to be centered around a specific proponents program. Additionally, it certainly seems to cater to larger companies who typically compete with Maine firms and might be licensed in another jurisdiction. We find it troubling that Maine would adopt a program based on the assertion from those based in another jurisdiction that the training is "better." A Board of expertise should manage the rules around licenses instead of specific years listed in Maine law.

When examining the refrigerator technician program, it would set a five-year training program. Was this developed from a specific company that would like to carve out work here in Maine? Why five years? Why a DOL-approved program? Does the Committee believe that Maine is failing with current education offerings at the Community College? Regulating craft workers should include due diligence by the State of Maine to include various experienced craft workers in this field.

Gathering information on tests, education requirements, and relative experience shouldn't be decided in a few hours. For instance, AGC Maine has specific education programs with a length of time, testing requirements, and certification. We find tangible value in the courses and continue to update and modify the curriculums and classroom experiences. Even though we feel strongly about the value, we certainly wouldn't recommend that licensing language be specific. It certainly wouldn't be fair, and it assumes another's program doesn't meet or exceed our standards. In this case, it's clear the proponent has an existing program, and that's misguided to think it's simply the only pathway. Again, a stakeholder process is critical to vetting ideas related to a new requirement.

Rather than list all of the trades that would be regulated with specific requirements we suggest the Committee, rather we urge the Committee, if the desire is to regulate with a new license that a task force be setup with feedback from Maine companies who are in the field and have generations of knowledge to determine if a license is needed AND if so, what are the parameters.

Maine has quality, experienced construction professionals in this division who can provide input to any new process proposed. We've sat through dozens of hearings this year, listening to advocates across New England assert that their home states manage licensing, permitting, and environmental regulations better. We urge the Committee to reject this bill and allow Maine's regulated community to have more direct input if the Committee moves the bill forward.

Respectfully submitted by,



Matt Marks  
AGC Maine